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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-00293-CKK**

BUC et al v. FOOD AND DRUG ADMINISTRATION
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 02/24/2010
Date Terminated: 03/31/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NANCY L. BUC

represented by **Carmen Mercedes Shepard**
Zuckerman Spaeder LLP
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ATTORNEY TO BE NOTICED

Plaintiff

MADHUSHA DISSANAYAKE

represented by **Carmen Mercedes Shepard**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

BUC & BEARDSLEY, LLP

represented by **Carmen Mercedes Shepard**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**FOOD AND DRUG
ADMINISTRATION**

represented by **Addy Schmitt**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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LEAD ATTORNEY
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Date Filed	#	Docket Text
02/24/2010	<u>1</u>	COMPLAINT against FOOD AND DRUG ADMINISTRATION (Filing fee \$ 350, receipt number 4616027833) filed by NANCY L. BUC, MADHUSHA DISSANAYAKE, BUC & BEARDSLEY, LLP. (Attachments: # <u>1</u> Civil Cover Sheet)(td,) (Entered: 02/25/2010)
02/24/2010	<u>2</u>	NOTICE OF RELATED CASE by NANCY L. BUC, BUC & BEARDSLEY, LLP, MADHUSHA DISSANAYAKE. Case related to Case No. 09-2406 CKK. (td,) (Entered: 02/25/2010)
02/24/2010		SUMMONS (3) Issued as to FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (td,) (Entered: 02/25/2010)
02/26/2010	<u>3</u>	ORDER Establishing Procedures for Electronic Filing for Cases Assigned to Judge Colleen Kollar-Kotelly, signed on February 26, 2010. (SM) (Entered: 02/26/2010)

03/05/2010		MINUTE ORDER (paperless). Upon consideration of the parties' Joint Status Report filed in Civ. Act. No. 9cv2406 and the positions set forth therein, the Court orders as follows: (1) Defendant shall file an answer to the complaint in Civ. Act. No. 10cv293 no later than March 15, 2010; and (2) Defendant shall file its motion for an Open America stay no later than March 22, 2010; Plaintiffs shall file their opposition to Defendant's motion for an Open America stay no later than April 5, 2010; and Defendant shall file its reply, if any, in support of its motion for an Open America stay no later than April 12, 2010. The parties shall not file any dispositive motions until Defendant's motion for an Open America stay is resolved. At that time, the Court shall set a schedule for further proceedings, as may be appropriate. Signed by Judge Colleen Kollar-Kotelly on March 5, 2010. (lcckk2) (Entered: 03/05/2010)
03/05/2010		Set/Reset Deadlines: Answer due by 3/15/2010. Defendant's Motion due by 3/22/2010. Response due by 4/5/2010. Reply due by 4/12/2010. (dot,) (Entered: 03/08/2010)
03/10/2010	4	SUMMONS Returned Executed by NANCY L. BUC, MADHUSHA DISSANAYAKE, BUC & BEARDSLEY, LLP. FOOD AND DRUG ADMINISTRATION served on 3/2/2010, answer due 4/1/2010. (Shepard, Carmen) (Entered: 03/10/2010)
03/15/2010	5	NOTICE of Appearance by Addy Schmitt on behalf of FOOD AND DRUG ADMINISTRATION (Schmitt, Addy) (Entered: 03/15/2010)
03/15/2010	6	ANSWER to 1 Complaint by FOOD AND DRUG ADMINISTRATION.(Schmitt, Addy) (Entered: 03/15/2010)
03/22/2010	7	MOTION to Stay by FOOD AND DRUG ADMINISTRATION (Attachments: # 1 Declaration of Frederick J. Sadler, # 2 Exhibit A to Sadler Declaration, # 3 Exhibit B to Sadler Declaration, # 4 Exhibit C to Sadler Declaration, # 5 Exhibit D to Sadler Declaration, # 6 Exhibit E to Sadler Declaration, # 7 Exhibit F to Sadler Declaration, # 8 Exhibit G to Sadler Declaration, # 9 Exhibit H to Sadler Declaration, # 10 Exhibit I to Sadler Declaration, # 11 Exhibit J to Sadler Declaration, # 12 Exhibit K to Sadler Declaration, # 13 Exhibit L to Sadler Declaration, # 14 Exhibit M to Sadler Declaration, # 15 Declaration of Nancy B. Sager, # 16 Exhibit A to Sager Declaration, # 17 Exhibit B to Sager Declaration)(Schmitt, Addy) (Entered: 03/22/2010)
04/05/2010	8	Memorandum in opposition to re 7 MOTION to Stay filed by NANCY L. BUC, BUC & BEARDSLEY, LLP, MADHUSHA DISSANAYAKE. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Shepard, Carmen) (Entered: 04/05/2010)
04/12/2010	9	REPLY to opposition to motion re 7 MOTION to Stay filed by FOOD AND DRUG ADMINISTRATION. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Schmitt, Addy) (Entered: 04/12/2010)

01/05/2011		MINUTE ORDER (paperless). On or before January 19, 2011, Defendant shall file a Status Report with the Court, not to exceed three (3) pages, briefly advising the Court of its progress in responding to Plaintiffs' outstanding FOIA requests. The Status Report shall, at a minimum, (a) indicate where Plaintiffs' outstanding requests currently stand in the processing queue (i.e., the number of requests ahead of Plaintiffs' outstanding requests) and (b) provide an updated estimate as to when Defendant expects Plaintiffs' outstanding FOIA requests will move to the head of the queue and be fully processed. Signed by Judge Colleen Kollar-Kotelly on January 5, 2011. (lcckk3) (Entered: 01/05/2011)
01/19/2011	1 0	STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Schmitt, Addy) (Entered: 01/19/2011)
02/01/2011	1 1	ORDER. For the reasons stated in the accompanying Memorandum Opinion, the FDA's 7 Motion for a Stay is DENIED. The FDA shall (a) begin processing each of Plaintiffs' outstanding FOIA requests immediately, (b) promptly produce any responsive documents to Plaintiffs on a rolling basis, and (c) complete its production on or before March 4, 2011. The FDA shall file a Status Report with the Court within two (2) business days of the completion of its production (a) indicating that it has completed its production, and (b) briefly describing the scope of the production. The parties shall file a Joint Status Report with the Court on or before April 1, 2011 (a) indicating what remaining issues, if any, Plaintiffs intend to pursue in this action and (b) proposing a schedule for proceeding in this action. Signed by Judge Colleen Kollar-Kotelly on February 1, 2011. (lcckk3) (Entered: 02/01/2011)
02/01/2011	1 2	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on February 1, 2011. (lcckk3) (Entered: 02/01/2011)
02/24/2011	1 3	MOTION for Extension of Time to <i>Complete Production to March 4, 2011</i> by FOOD AND DRUG ADMINISTRATION (Schmitt, Addy) (Entered: 02/24/2011)
02/24/2011	1 4	MEMORANDUM OPINION (AMENDED). Signed by Judge Colleen Kollar-Kotelly on February 24, 2011. (lcckk3) (Entered: 02/24/2011)
02/24/2011		MINUTE ORDER (paperless). The Court has issued an amended 14 Memorandum Opinion correcting two typographical errors in its previous 12 Memorandum Opinion, dated February 1, 2011; specifically, to ensure that the deadlines in the Memorandum Opinion conform to the correct deadlines identified in the accompanying 11 Order. The two versions are otherwise identical. Defendant's 13 Motion for an Extension of Time is DENIED as moot. Signed by Judge Colleen Kollar-Kotelly on February 24, 2011.(lcckk3) (Entered: 02/24/2011)
03/08/2011	1 5	STATUS REPORT by FOOD AND DRUG ADMINISTRATION. (Schmitt, Addy) (Entered: 03/08/2011)
03/10/2011	1	STIPULATION of Dismissal by NANCY L. BUC, BUC & BEARDSLEY, LLP,

	6	MADHUSHA DISSANAYAKE. (Shepard, Carmen) (Entered: 03/10/2011)
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